

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

MARYANN BRENNAN,)	
)	
Plaintiff,)	Removed from the Circuit Court of
)	St. Charles County, Missouri
v.)	Case No. 2011-CC01214
)	
COMPASS HEALTH, INC.)	
)	
Defendant.)	

NOTICE OF REMOVAL

Please take notice that pursuant to 28 U.S.C. §§ 1331, 1367, 1441, 1446, and E.D. Mo. L.R. 2.03, Defendant Compass Health, Inc. (“Defendant” or “Compass Health”), by and through its undersigned counsel, hereby removes the above-captioned action to this Court from the Circuit Court of St. Charles County, Missouri, Case No. 2011-CC01214.

In support of this Notice of Removal, Defendant states as follows:

1. Plaintiff Maryann Brennan (“Plaintiff”) filed her Petition For Damages against Defendant on December 22, 2020, in the Circuit Court of St. Charles County, Missouri, captioned *Maryann Brennan v. Compass Health, Inc.*, Case No. 2011-CC01214 (the “State-Court Action”). A copy of that Petition is attached as ***Exhibit A***.

2. Plaintiff served Defendant with process on or about January 4, 2021.

3. A Notice of Removal must be filed within thirty days of service of process. *See* 28 U.S.C. § 1446(b). As Plaintiff served Defendant less than thirty days ago, removal is timely.

4. Defendant removes this action based on federal-question and supplemental jurisdiction. The federal district courts “shall have original jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States.” 28 U.S.C. § 1331. Furthermore, “in

any civil action of which the district courts have original jurisdiction, the district courts shall have supplemental jurisdiction over all other claims that are so related to claims in the action within such original jurisdiction that they form part of the same case or controversy under Article III of the United States Constitution.” 28 U.S.C. § 1367(a).

5. Plaintiff’s Petition demands relief under the Americans With Disabilities Act (“ADA”), 42 U.S.C. §§ 12101 *et seq.*, 12203 *et seq.* (**Ex. A, pp. 10-13**). Because these statutes represent the “laws . . . of the United States”, this Court has federal-question jurisdiction over such claims pursuant to 28 U.S.C. § 1331.

6. Plaintiff further demands relief under the Missouri Human Rights Act (“MHRA”). (**Ex. A, pp. 8-10**). The MHRA is codified at Mo. Rev. Stat. §§ 213.010 *et seq.* These state-law claims arise from the same nucleus of operative facts that Plaintiff alleges to support her claims under the ADA. (**Ex. A, pp. 1-13**). As such, they fall within the supplemental jurisdiction of this Court, pursuant to 28 U.S.C. § 1367(a).

7. This Court is also the proper divisional venue because the Circuit Court of St. Charles County, Missouri is located within the geographic region embraced by the Eastern Division of the United States District Court for the Eastern District of Missouri, pursuant to 28 U.S.C. § 1441(a) and E.D. Mo. L.R. 2.07(A)(1).

8. Pursuant to 28 U.S.C. § 1446(d), prompt written notice of the removal of the State-Court Action is being provided to Plaintiff, through counsel of record, and this notice will be filed with the Circuit Court of St. Charles, Missouri in the pending State-Court Action.

9. Pursuant to E.D. Mo. L.R. 2.03, all other filings and the complete docket sheet for proceedings in the Circuit Court of St. Charles, Missouri, Case No. 2011-CC01214, are attached as ***Exhibit B***.

10. No process, pleadings, orders, or other filings, other than those attached or referenced herein, have been filed or served in the State-Court Action.

11. Pursuant to E.D. Mo. L.R. 2.03, Defendant has paid the prescribed filing fee and filed a completed Civil Cover Sheet, Original Filing Form, and Disclosure of Organizational Interests Certificate.

12. Pursuant to E.D. Mo. L.R. 2.03, Defendant will promptly file proof of filing of this Notice in the State-Court Action and proof of service of this Notice on all adverse parties.

WHEREFORE, the above-captioned State-Court Action, is hereby removed to the United States District Court for the Eastern District of Missouri.

Respectfully submitted,

WALDECK & PATTERSON, P.A.

By: /s/ John M. Waldeck

John M. Waldeck MO Bar #47570

5000 West 95th Street, Suite 350

Prairie Village, Kansas 66207

Ph: 913-749-0300 / Fax: 913-749-0301

E-Mail: johnw@waldeckpatterson.com

**ATTORNEYS FOR DEFENDANT COMPASS
HEALTH, INC.**